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10/675,434

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EXAMINER

LANGHNOJA, KUNAL N

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,434	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> KUNAL LANGHNOJA	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al. (US Patent No. 6,813,775 B1), in view of Reto et al (United States Patent Application Publication 20020144273).

With respect to Claim 1, the claimed "A method of communication activity information to support user interaction in a communication network, the method comprising: receiving at least one condition, at a first location, the at least one condition defining when an indication of media consumption activity is sent by the first location to at least a second location, via the communication network" is met by Finseth et al. that teach a method of sharing viewer preference information, between a first user and a second user at distinct locations (*Figs. 1, 11, & 12; Abstract; col. 12, lines 49-51; col. 15, lines 40-42, line 66 - col. 16, line 3, 12-18, & 29-38*).

*refraining from sending at least one indication of media consumption activity to the second user at the second location, via the communication network, if the at least one*

Art Unit: 2427

*condition is not met"* is met by the Finseth et al. reference teaches transmittal can be automatic and performed at specific sharing intervals such as daily, weekly, & monthly (Fig.11; col.10, lines 13-24; col.15, lines 37-50; col.16, lines 12-38).

However, the reference is unclear with respect to *receiving a request for consumption of media of a second user at the second location*, from a first user at the first location; at the time of said receiving the request for consumption of media of the second user at the second location, from the first user at the first location, sending at least one indication of media consumption activity to the second user at the second location, via the communication network, if the at least one condition is met to enable interaction of the first and second user during media consumption by the first user."

In similar field of endeavor, Reto teaches *receiving a request for consumption of media of a second user at the second location*, from a first user at the first location (i.e. first one of client device send request to server);" (Figures 35-37; Paragraphs 0041-42, and 0175-176)

"at the time of said receiving the request for consumption of media of the second user at the second location, from the first user at the first location (i.e. first one of client device send request to server), sending at least one indication of media consumption activity to the second user at the second location, via the communication network [6](i.e. server sends another client device invitation from the first client device), if the at least one condition is met, to enable interaction of the first and second user during media consumption by the first user (i.e. after another client device accept the invitation, both users are able to interact with each other)(Figures 35-37; Paragraphs 0041-42 and

*0175-176).” Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth et al for the purpose of allowing users to communicate with each other and share interactive television watching experience.*

With respect to Claim 2, the claimed “*wherein each of the first location and the second location are associated with one or more of an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number (ESN)*” is met by Finseth et al. that teach the use of a the Internet in transferring data to and from receiver stations, 34 (*col.7, lines 44-48; col. 12, lines 42-45; col.14, lines 40-43*). The use of IP addresses is necessary to selectively address and direct data among set-top boxes exchanging data on an Internet network.

With respect to Claim 3, the claimed “*wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure*” is met by Finseth et al. that teach the use of a communication network such as the Internet (*col.7, lines 44-48; col.12, lines 42-45; col.14, lines 40-43*).

With respect to Claim 4, the claimed “*wherein the communication network is the Internet*” is met by Finseth et al. that teach the use of a communication network such as the Internet (*col.7, lines 44-48; col.12, lines 42-45; col.14, lines 40-43*).

With respect to Claim 5, the claimed “*wherein the media comprises at least one or more of audio, a still image, video, real time video, and/or data*” is met by Finseth et al.

that teach the reception by a first user at a first location, receiver station 34, of audio, video, and data signals (*Fig.3; col.7, lines 20-21*).

With respect to Claim 6, the claimed *"wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data"* is met by (*Fig.3; col.7, lines 22-26, 66-67; col.9, lines 2-3*).

With respect to Claim 7, the claimed *"receiving an identifier identifying the second location; and the identifier comprising one or more of a legal name, a given name, a screen name, a user identifier, a network identifier, an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number"* is met by Finseth et al. that teach the use of a name, telephone, or Internet address to indicate a 2<sup>nd</sup> user to whom viewer preference information will be sent to by a 1<sup>st</sup> user (*Figs.7, 9, & 10; col.12, lines 25-29, 42-45; col.14, line 63—col.15, line 23*).

With respect to Claim 8, the claimed *"wherein the at least one condition comprises one or more of a day, a date, a time, time period, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and/or an artist"* is met by Finseth et al. that teach the selection by a 1<sup>st</sup> user, for the selective transmittal of viewer preference information, of sharing intervals such as a day, a week, & a month. (*Fig.11; col.12, lines 49-51; col.15, lines 30-50*).

With respect to Claim 9, the claimed *"wherein the at least one indication of media consumption activity comprises one or more of a title, a subject, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and/or an artist"* is met by Finseth et al. that teach the

Art Unit: 2427

transmittal of a viewer's preference information from a 1<sup>st</sup> user to a 2<sup>nd</sup> user, whereby viewer preference information includes: the type and category of the television program, name descriptors that serve to identify the name of the program selected, credit information, and keywords/ phrases used in the description of the program (*col.10, lines 25-32*).

With respect to Claim 10, Finseth and Reto, the combination teaches everything claimed (see claim 1). The combination teaches "*wherein the at least one condition is received from a location remote from the first location, via the communication network*" (Reto: Figures 35-37; Paragraphs 0041-42, and 0174-175)

Claim 11 is met as previously discussed with respect to Claim 1, since the claims are essentially an interchanging of a 1<sup>st</sup> location with a 2<sup>nd</sup> location.

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 16 is met as previously discussed with respect to Claim 6.

Claim 17 is met as previously discussed with respect to Claim 7.

Claim 18 is met as previously discussed with respect to Claim 8.

Claim 19 is met as previously discussed with respect to Claim 9.

With respect to Claim 20, Finseth and Reto, the combination teaches everything claimed (see claim 1). The combination teaches "*wherein the notifying comprises one or more of displaying an image, generating sound, and/or illuminating a light emitting diode*

Art Unit: 2427

*representing the receipt of the at least one activity indication."* (Reto: Figures 35-37; Para.0041-42 and 0174-175)

With respect to Claim 21, Finseth and Reto, the combination teaches everything claimed (see claim 11). The combination teaches "*initiating, from the first location, an exchange of streaming media between the first location and the second location, if the at least one condition is met; and refraining from initiating, from the first location, an exchange of streaming media between the first location and the second location, if the at least one condition is not met*" is met by Finseth et al. that teach a method of sharing viewer preference information, between a first user and a second user at distinct locations, via the use of select receivers designated to function as servers by collecting, combining, and redistributing the combined preference information to all members of a group, including the 2<sup>nd</sup> user that initially sent their viewer preference information (Finseth: col.13, lines 55-62; Reto: Figures 35-36 Paragraphs 0041-42, 0174-175).

With respect to Claim 22, the claimed "*a television display, at a first location, to support the consumption of media by a user; a storage, at the first location, communicatively coupled to the television display, and having an associated first network address; set top box circuitry, at the first location, the set top box circuitry communicatively coupling the television display to the communication network*" is met by Finseth et al. that teach the use of a television 66, memory 78, interface 82, and set top box circuitry within receiver 64 having a specific network address at a 1<sup>st</sup> location (Figs.1 & 3; col.7, lines 19-27; col.14, lines 40-43).



The claimed “*at least one user defined identifier identifying a second user second location*” is met Finseth et al. that teach the use of a name, telephone, or Internet address to indicate a 2<sup>nd</sup> user from which viewer preference information will be accepted by a 1<sup>st</sup> user (Fig. 14, lines 59-65). The claimed “*at least one user defined condition for notifying the first user*” is met by Finseth et al. that the use of a list of recognizable sources from whom viewing preference information will be accepted as well as the types of preference information that will be accepted (Fig. 15; col. 13, lines 4-9; col. 17, lines 29-44). The claimed *refrains from notifying the first user if the at least one user defined condition is met* is met by Finseth et al. that teach transmittal can be automatic and performed at specific sharing intervals such as daily, weekly, & monthly (Fig. 11; col. 10, lines 13-24; col. 15, lines 37-50; col. 16, lines 12-38). However, the reference is unclear with respect to “*software that receives, from the second user at the second location and via the communication network, at least one indication of consumption of media of the first user by the second user at the second location, and that responds by notifying the first user at the time of receipt of the at least one indication of consumption of media of the first user by the second user at the second location and if the at least one user defined condition is met to enable interaction of the first user and second user during media consumption by the second user.*”

In similar field of endeavor, Reto teaches *software that receives, from the second user at the second location and via the communication network, at least one indication of consumption of media of the first user by the second user at the second location, and that responds by notifying the first user at the time of receipt of the at least one*

Art Unit: 2427

*indication of consumption of media of the first user by the second user at the second location and if the at least one user defined condition is met to enable interaction of the first user and second user during media consumption by the second user. (Figures 35-37; Paragraphs 0041-42 and 0175-176)."* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Finseth et al for the purpose of allowing users to communicate with each other and share interactive television watching experience.

Claim 23 is met as previously discussed with respect to Claim 5.

Claim 24 is met as previously discussed with respect to Claim 6.

Claim 25 is met as previously discussed with respect to Claim 2.

Claim 26 is met as previously discussed with respect to Claim 3.

Claim 27 is met as previously discussed with respect to Claim 7.

With respect to Claim 28, the claimed "*wherein the at least one user defined condition comprises a day, a date, a time, a time period, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and an artist*" is met by Finseth et al. that teach the use of a name, phone or internet to indicate from which users viewer preference information will be accepted from (Figs.13 & 14; col.16, lines 40-67).

Claim 29 is met as previously discussed with respect to Claim 9.

Claim 30 is met as previously discussed with respect to Claim 1, since the claims are essentially an interchanging of a 1<sup>st</sup> location with a 2<sup>nd</sup> location.

Claim 31 is met as previously discussed with respect to Claim 2.

Claim 32 is met as previously discussed with respect to Claim 3.

Claim 33 is met as previously discussed with respect to Claim 4.  
Claim 34 is met as previously discussed with respect to Claim 5.  
Claim 35 is met as previously discussed with respect to Claim 6.  
Claim 36 is met as previously discussed with respect to Claim 7.  
Claim 37 is met as previously discussed with respect to Claim 8.  
Claim 38 is met as previously discussed with respect to Claim 9.  
Claim 39 is met as previously discussed with respect to Claim 10.  
Claim 40 is met as previously discussed with respect to Claim 22.  
Claim 41 is met as previously discussed with respect to Claim 5.  
Claim 42 is met as previously discussed with respect to Claim 6.  
Claim 43 is met as previously discussed with respect to Claim 3.  
Claim 44 is met as previously discussed with respect to Claim 9.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2427

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 10:00 A.M.- 6:00 P.M. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. L./  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427